
Emergency Rules

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 10—Voting Machines (Electronic)

EMERGENCY AMENDMENT

15 CSR 30-10.010 Definitions. The secretary of state is amending section (2) and adding sections (8)-(21).

PURPOSE: This amendment provides definitions of terms in addition to those found in Chapter 115, RSMo and those found in the present rule for the conduct of elections using Direct Recording Electronic voting systems (DREs) and Optical Scan Precinct Count Voting Systems (Precinct Counters).

EMERGENCY STATEMENT: The Help America Vote Act (HAVA) of 2002, requires each state to enact laws to improve election administration, to provide accessible voting stations and to provide notice to a voter who has overvoted and an opportunity to correct their ballot. As part of the Elections Division program for compliance with HAVA and the equipment procurement process, the secretary of state (SOS) reviewed existing rules regarding use of electronic voting systems. This review revealed that the current rules did not include any specific procedures for testing and use of direct recording electronic (DREs) and Precinct Counters. As the local jurisdictions are in the process of implementing their HAVA compliant voting systems, it has become apparent that all jurisdictions will be using DREs for the first time and the vast majority of voters in the state of Missouri will be using Precinct Counters, many of them for the first time. The increased numbers of voters and jurisdictions using DREs and Precinct Counters makes uniform procedures for their testing and use crucial to the improvement of election administration. As the first election in 2006 approaches that involves all local election authorities using DREs and Precinct Counters, many for the first time (August 8, 2006), there is a compelling governmental interest for uniform procedures for their testing and use. The secretary of state has filed proposed rules and emergency rules establishing such procedures. This amendment provides additional definitions of terms used in those rules governing procedures for use and testing of DREs and Precinct Counters.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Secretary of State believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

(2) Electronic voting system is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or electronic data processing equipment and includes computerized voting systems.

(8) Accessible voting station is a voting station equipped for individuals with disabilities.

(9) Audio ballot is a ballot in which a set of offices and issues is presented to the voter in audible, rather than visual form.

(10) Audit trail is recorded information that allows election officials to review the activities that occurred on the voting equipment to verify or reconstruct the steps followed without compromising the ballot or voter secrecy.

(11) Audit trail for direct recording equipment is a paper print-out of votes cast, produced by direct recording electronic voting

machines (DREs), which election officials may use to crosscheck electronically tabulated totals.

(12) Ballot marking device is any approved device which will enable the votes cast on paper ballots to be counted by automatic tabulating equipment.

(13) Ballot style is the particular set of contests and issues to appear on the ballot for a particular election district, their order, the list of ballot positions for each contest or issue, and the binding of candidate names and issues to ballot positions.

(14) Cast vote record is the permanent record of all votes cast by a single voter whether in electronic, paper or other form.

(15) Counter is the register on each direct recording electronic (DRE) unit which increments by one each time a ballot is cast on the unit. The election counter is the register which is reset for each election and records the number of ballots cast on a DRE unit in a particular election. The system counter is the register which cannot be reset and records the number of ballots cast on a DRE unit over the course of the life of the unit.

(16) DRE is an electronic voting system that utilizes electronic components for the functions of ballot presentation, vote capture, vote recording and tabulation, which are logically and physically integrated into a single unit. A DRE produces a tabulation of the voting data stored in a removable memory component and in printed hard copy.

(17) Election management system is a set of processing functions and databases within a voting system that define, develop and maintain election databases, perform election definition and setup functions, format ballots, count votes, consolidate and report results, and maintain audit trails.

(18) Electronically-assisted ballot marking device is a device that provides assistance to voters who are visually impaired, who have difficulty reading English, or who have difficulty correctly marking by hand a preprinted paper ballot that is to be counted in optical scan systems. The device marks, or assists the voter to mark, selected choices on a previously inserted, preprinted paper ballot. The device then provides audio, tactile, or visual feedback to the voter with regard to the choices the voter has made on the ballot. The completed ballots are later tabulated on the same unit that processes other paper ballots.

(19) Logic and accuracy testing is the testing of the tabulator setups of a new election definition to ensure that the content correctly reflects the election being held (i.e., contests, candidates, number to be elected, ballot styles, etc.) and that all voting positions can be voted for the maximum number of eligible candidates and that results are accurately tabulated and reported.

(20) Paper cast vote record is a paper record of all votes cast by a single voter that can be directly verified by the voter. It is the record that is created from the voter verifiable audit record after the selections are verified and the vote is cast by the voter.

(21) Precinct count voting system is a voting system that tabulates ballots at the polling place. These systems typically tabulate ballots as they are cast and are capable of printing the results after the close of polling.

AUTHORITY: section 115.225, RSMo [1986] Supp 2005. Original rule filed March 31, 1972, effective April 14, 1972. Emergency

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*rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 15, 1986, effective Feb. 28, 1987. Emergency amendment filed June 21, 2006, effective July 1, 2006, expires Feb. 22, 2007. An emergency amendment and proposed amendment covering this same material will be published in the August 1, 2006 issue of the **Missouri Register**.*